

This facsimile message and its contents are legally privileged and confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and its contents is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone and return the original message to us at the address shown below via the Postal Service. Thank You.

## ALSTON & BIRD LLP

One Atlantic Center  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3424  
404-881-7000  
Fax: 404-881-7777

### TELECOPY

PLEASE DELIVER AS SOON AS POSSIBLE

**Date:**

January 7, 2005

**Recipient:**

Box Petition

**Company:**

USPTO

**Fax Number:**

703-872-9306

**Voice Number:****Sender:**

Jon M. Jurgovan

**Message:**

Kindly acknowledge receipt of the following documents:

- Recission of Previous NonPublication Request Form And Notice of Foreign Filing
- Petition Under 37 C.F.R. § 1.137(b) To Revive Application Abandoned For Not Filing
- Recission Of Previous NonPublication Request And Notice Of Foreign Filing
- PTO/SB/17 Fee Transmittal in the amount of \$750.00

Number of Pages: (including cover page)

6

IF NOT RECEIVED PROPERLY, PLEASE NOTIFY US IMMEDIATELY AT.

USER CODE:	JURGI	REQUESTED BY:	Shelley Victoria
CLIENT/MATTER:	047322/259895	OPERATOR:	<i>Nilena</i>

BEST AVAILABLE COPY

Alston & Bird

Attorney's Docket No. 047322/259895

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Shay Confirmation No.: 2409  
Appl. No.: 10/065,775 Group Art Unit: 2135  
Filed: November 18, 2002 Examiner: Kim, Vu  
For: SYSTEM, APPARATUSES, METHODS, AND COMPUTER-READABLE  
MEDIA USING IDENTIFICATION DATA IN PACKET COMMUNICATIONS  
NETWORK

PATENT  
RECEIVED  
CENTRAL FAX CENTER  
JAN 07 2005**VIA FACSIMILE NO. 703-872-9306**

Box Petition  
Office of Petitions  
Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.137(b) TO REVIVE APPLICATION ABANDONED  
FOR NOT FILING RESCISSION OF PREVIOUS NONPUBLICATION REQUEST  
AND NOTICE OF FOREIGN FILING  
UNDER 35 U.S.C. 122(b) AND 37 C.F.R. § 1.137(f)**

Dear Sir:

Applicant hereby petitions the Director under 37 C.F.R. § 1.137(b) to revive the above-identified Application to pendency and to advance the same to examination.

The above-identified Application was filed on August 19, 2003 by Applicant's former counsel. Applicant then transferred responsibility for handling this Application to the law firm of the undersigned. On November 17, 2003, Applicant through undersigned counsel filed Patent Cooperation Treaty (PCT) Application PCT/US03/36713 claiming priority to the subject application. Undersigned counsel did not notice that a Nonpublication Request had been filed by previous counsel in the subject Application, and thus the subject Application became abandoned forty-five days after the November 17, 2003 filing date of the PCT application under 35 U.S.C. 122(b)(2)(B)(iii) and 37 C.F.R. § 1.213(c). Related continuation U.S. Application No. 10/641,249 filed August 13, 2003, and continuation-in-part U.S. Application No. 10/644,632 filed August 19, 2003, were both duly published on May 20, 2004, and the PCT Application was published on June 3, 2004.

As required by 37 C.F.R. § 1.137(b)(1), Applicant hereby attaches a Rescission of Previous Nonpublication Request (35 U.S.C. 122(b)(2)(B)(ii)) and Notice of Foreign Filing (35 U.S.C. 122(b)(2)(B)(iii)), Form PTO/SB/36. It is submitted that these papers constitute the outstanding Reply which were required to be filed to avoid the abandonment.

ATL01/11824365v1

In re: Shay  
Appli. No.: 10/065,775  
Filed: November 18, 2002  
Page 2

Also, as required by 37 C.F.R. § 1.137(b)(2), Applicant hereby authorizes the United States Patent and Trademark Office to charge the fee for this Petition required under 37 C.F.R. § 1.17(m)(presently believed to be \$750 for a small entity), along with any additional fees that may be required for the Rescission of Previous Nonpublication Request (35 U.S.C. 122(b)(2)(B)(ii)) and Notice of Foreign Filing (35 U.S.C. 122(b)(2)(B)(iii))(none are believed necessary), to our Deposit Account No. 16-0605.

As required by 37 C.F.R. § 1.137(b)(3), Applicant through undersigned counsel hereby states that the entire delay in filing the required Reply, including the Rescission of Previous Nonpublication Request (35 U.S.C. 122(b)(2)(B)(ii)) and Notice of Foreign Filing (35 U.S.C. 122(b)(2)(B)(iii)), was unintentional. Neither Applicant nor the undersigned intended to abandon the subject Application by not providing the required Reply. Applicant therefore petitions that the above-identified Application be revived to pendency and advanced to examination.

If a request for an extension of time under 37 C.F.R. § 1.136 is deemed to be necessary in connection with the filing of this or other submitted papers, please consider such request as hereby made, and charge any fees required in connection with the filing of this and other required papers to our Deposit Account No. 16-0605.

If there are any questions in connection with this matter, please contact the undersigned at direct telephone number 404-881-4583.

Thank you for your attention to this matter.

Respectfully submitted,



Jon M. Jurgovan  
Registration No. 34,633

CUSTOMER NO. 00826  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Atlanta Office (404) 881-7000  
Fax Atlanta Office (404) 881-7777

In re: Shay  
Appli. No.: 10/065,775  
Filed: November 18, 2002  
Page 3

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at facsimile number 703-872-9306 on the date shown below.

  
\_\_\_\_\_  
Shelley Victoria

\_\_\_\_\_  
January 7, 2005  
Date